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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/687,518	10/13/2000	Rich Karstens	PALM-3513	7809

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EXAMINER

LE, DANH C

ART UNIT

PAPER NUMBER

2683

DATE MAILED: 04/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/687,518

Applicant(s)

KARSTENS ET AL. 

Examiner

DANH C LE

Art Unit

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1, 3-10, 13-14, 16-20, 23, 27-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Yang (US 6,529,742).

As to claim 1, Yang teaches in a portable electronic device, a method for automatically delivering a phone call (figure 1), said method comprising the steps of:

a) monitoring for incoming phone calls by a background task of said operating system of said device, said background task interfacing directly with the telephony functionality of said device, said background task always active, said operating system including at least one graphical user interface (col.5, line 35 to col.7, line 8, graphical user interface (col.2, lines 37-46, OSD));

b) detecting said incoming phone call by said background task (col.5, line 35 to col.7, line 8);

c) notifying said operating system of said incoming phone call by said background task (col.5, line 35 to col.7, line 8); and

d) said background task notifying the user of said device of said incoming phone call irrespective of the user's activity on said device (col.5, line 35 to col.7, line 8).

As to claim 3, Yang teaches the method as recited in Claim 1 further comprising the step of e) answering said incoming phone call by the user (col.5, line 35 to col.7, line 8).

As to claim 4, Yang teaches the method as recited in Claim 1 wherein said step c) comprises the step of said background task operating to notify the user of said device of said incoming phone call irrespective of the user's activity on said device, provided said graphical user interface is blocked (col.5, line 35 to col.7, line 8).

As to claim 5, Yang teaches the method as recited in Claim 1 wherein said step c) comprises the step of said graphical user interface being updated and including an image of a cellular phone keypad and digitry, provided said graphical interface is not blocked (col.5, line 35 to col.7, line 8).

As to claim 6, Yang teaches the method as recited in Claim 5, wherein said background task operates to notify the user of said device of said incoming phone call irrespective of the user's activity on said device (col.5, line 35 to col.7, line 8).

As to claim 7, Yang teaches the method as recited in Claim 1 wherein step d) is performed by activating a ringer on said device (col.6, lines 62-col.7, line 8).

As to claim 8, Yang teaches the method as recited in Claim 1 wherein step d) is performed by activating a vibrator on said device (col.5, line 51-col.6, line 15).

As to claim 9, Yang teaches the method as recited in Claim 1 wherein step d) is performed by activating LEDs on said device (col.5, line 51-col.6, line 15).

As to claim 10, Yang teaches the method as recited in Claim 3 wherein step e) is performed by pressing a button on said device (col.6, lines 36-46).

As to claim 13, Yang teaches the method as recited in Claim 3 wherein step e) is performed by acknowledging an incoming call display on said graphical user interface (col.2, lines 37-46).

As to claim 14, Yang teaches a method for automatically delivering a phone call to a device (figure 1 and col.5, line 35 to col.7, line 8), said method comprising the steps of:

- a) monitoring for incoming phone calls by a task of said operating system of said device, said task interfacing directly with the telephony functionality of said device, said task always remaining active irrespective of the activities of said operating system;
- b) receiving said incoming phone call by said task; and
- c) said task notifying the user of said device of said incoming phone call irrespective of the users activity on said device.

As to claim 16, the limitation of the claim is the same limitation of claim 3. Therefore, the claim is interpreted and rejected as set forth in the claim 3.

As to claim 17, the limitation of the claim is the same limitation of claim 7. Therefore, the claim is interpreted and rejected as set forth in the claim 7.

As to claim 18, the limitation of the claim is the same limitation of claim 8. Therefore, the claim is interpreted and rejected as set forth in the claim 8.

As to claim 19, the limitation of the claim is the same limitation of claim 9. Therefore, the claim is interpreted and rejected as set forth in the claim 9.

As to claim 20, the limitation of the claim is the same limitation of claim 10. Therefore, the claim is interpreted and rejected as set forth in the claim 10.

As to claim 23, Yang teaches a system for automatically delivering a phone call to a device (figure 1 and col.5, line 35 to col.7, line 8), said system comprising:

a processor (30) coupled to a bus and a display screen coupled to said bus; a cellular phone mechanism;

a memory unit (28 and col.5, lines 4-26) coupled to said bus and having stored therein an operating system executed by said processor and a background task executed by said processor, said operating system including at least one graphical user interface (col.2, lines 37-46, OSD); where said background task performs to the steps of

a) monitoring for incoming phone calls by a background task of said operating system of said device, said background task interfacing directly with the telephony functionality of said device, said background task always active, said operating system including at least one graphical user interface (col.2, lines 37-46, OSD);

b) detecting said incoming phone call by said background task (col.5, line 35 to col.7, line 8);

c) notifying said operating system of said incoming phone call by said background task (col.5, line 35 to col.7, line 8); and

d) said background task notifying the user of said device of said incoming phone call irrespective of the user's activity on said device (col.5, line 35 to col.7, line 8).

As to claim 27, 28, Yang teaches the system as recited in Claim 23 wherein said background task monitors and receives for said incoming phone calls (col.5, line 35 to col.7, line 8).

As to claim 29, the limitation of the claim is the same limitation of claim 13. Therefore, the claim is interpreted and rejected as set forth in the claim 13.

As to claim 30, the limitation of the claim is the same limitation of claim 4. Therefore, the claim is interpreted and rejected as set forth in the claim 4.

As to claim 31, the limitation of the claim is the same limitation of claim 5. Therefore, the claim is interpreted and rejected as set forth in the claim 5.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 2, 15, 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yang in view of Hawkins (6,516,202).

As to claims 2, 15, 24, Yang method as recited in Claim 1. Yang fails to teach the portable electronic device is a palmtop computer system. Hawkins teaches the portable electronic device is a palmtop computer system (figure 3A). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Hawkins into the system of Yang in order to organize designed for a cellular phone with mobile computer.

3. Claims 11, 12, 21-22, 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yang in view of Baranowski (US 6,370,401).

As to claims 11-12, 21-22, 25-26, Yang teaches the method as recited in Claim 3 wherein step e) is performed by pressing a button on the keypad. Yang fails to teach a headset and earbud coupled to said device. Baranowski teaches a headset and earbud coupled to said device (col.2, lines 7-41). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Baranowski into the system of Yang in order to enhance system performance of the portable television phone.

Response to Arguments

Applicant's arguments with respect to claims 1-31 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANH C LE whose telephone number is 703-306-0542. The examiner can normally be reached on 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WILLIAM TROST can be reached on 703-308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

A handwritten signature in black ink, appearing to read 'Danh', written over a horizontal line.

Danh C. Le
March 31, 2003

A handwritten signature in black ink, appearing to read 'W. Trost', written over a horizontal line.

WILLIAM TROST
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600